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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,821	10/07/1999	PHILIP KELLER	52352-356	2466

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EXAMINER	
NGUYEN, DUNG X	
ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary	Application No.	Applicant(s)	
	09/413,821	KELLER, PHILIP	
	Examiner	Art Unit	
	Dung X Nguyen	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

2. **Claims 1, 2, 4 – 8, and 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Ooishi et al. (US patent # 6,292,015 B1).

Regarding claim 1, Ooishi et al. discloses (figure 4 and column 12, lines 8 - 17):

- Setting a VDC1a level at output of differential amplifier 1a;
- Comparing VDC1a with a predetermined threshold level (Vrf2);
- Transistor P2a for controlling VDC1a.

Ooishi et al. differs from the instant claimed invention that it does not expressly show the step of controlling VDC1a until equaling to the Vref2. However, Ooishi et al. discloses the use of a differential amplifier 1a. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to make VDC1a being equal to be a threshold level signal (Vref2) of Ooishi et al. in order to reduce the power consumption.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to control the output driver during initialization or any different time of the transceiver.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to establish an output drive level at any required by the specification.

Regarding claims 5, 6, and 7, the limitations are analyzed in the same manner set forth as claim 1.

Regarding claim 8, Ooishi et al. differs from the claimed invention that it does not show the input circuitry for receiving an incoming signal from the residential wiring. However, every receiver must receive an incoming signal from wherever source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a circuitry that receive an incoming signal from the residential wiring.

Regarding claim 10, the limitations are analyzed in the same manner set forth as claim 2.

3. **Claims 1 – 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US patent # 6,504,634 B1).

Regarding claim 1, Chan et al. discloses (figures 25 and 11):

- Step 1024 for setting a DC level at output of transmitter (column 14, lines 7 – 18 and column 34, lines 54 – 60);
- Step 1208 for determining (comparing) DC level with a previous signal strength measurement (column 34, line 61 to column 35, line 24);
- Step 1210 for determining and controlling DC level to the previous received signal strength (column 34, lines 36 – 60).

Chan et al. differs from the instant claimed invention that it does not expressly show the step of controlling DC level until equaling to the threshold level. However, Chan et al. discloses the use of previous signal strength. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to make a previous signal strength to be a threshold

level signal in order to ensure that the transmitted signal is within the dynamic range of the intended receiver.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to control the output driver during initialization or any different time of the transceiver.

Regarding claim 3, Chan et al. further discloses that the output power of the transmitter is controlled for a high power level and a low power level (abstract).

Regarding claim 4, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to establish an output drive level at any required by the specification.

Regarding claims 5, 6, and 7, the limitations are analyzed in the same manner set forth as claim 1.

Regarding claim 8, Chan et al. differs from the claimed invention that it does not show the input circuitry for receiving an incoming signal from the residential wiring. However, every receiver must receive an incoming signal from wherever source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a circuitry that receive an incoming signal from the residential wiring.

Regarding claim 9, Chan et al. further discloses (figure 11) that the output power of the control 750 connecting to the connector 740 during a normal mode of operation and for supplying the control signal representing the DC level during an output drive level control mode operation mode to driver 744.

Chan et al. differs from the claimed invention that it does not show the use of a multiplexor. However, the power control 750 has every functions of the multiplexor of the

instant claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a multiplexor to perform these above limitations.

Regarding claim 10, the limitations are analyzed in the same manner set forth as claim 2.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. (U.S. Patent No. 6,408,032 B1) discloses a transmit baseline wander correction technique.

Morrish (U.S. Patent No. 6,208,094 B1)) discloses a multiplexed video interface system.

Wilhem (U.S. Patent No. 5,917,344) discloses a driver circuit.

Motley et al. (U.S. Patent No. 5,581,197) discloses a method of programming a desired source resistance for a driver stage.

Noda et al. (U.S. Patent No. 5,539,771) discloses a communication line driver, LSI for interface including such a circuit and communication terminal apparatus.

Kawasaki et al. (U.S. Patent No. 5,463,329) discloses an input circuit for level-shifting TTL or CMOS to ECL signals.

Raso (U.S. Patent No. 5,041,745) discloses failsafe bandpass filter/decoder.

Malchman et al. (U.S. Patent No. 3,686,634) discloses a pulse rate monitor and indicator system utilizing a burst pulse counter and a pulse internal counter.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (703) 305-4892. The examiner can normally be reached on Monday through Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chi Pham can be reached on (703) 305-4378. The fax number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DXN

February 26, 2003